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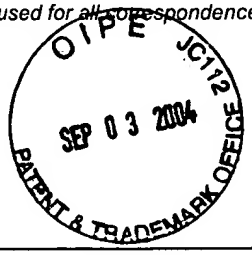

Application Number	09/875,083
Filing Date	June 6, 2001
In re Application of:	Dean C. MARCHAND et al.
Group Art Unit	2642
Examiner Name	Deane Jr., W.
Customer No.	25537
Attorney Docket Number	09710-1169
Client Docket Number	COS 99 012

Total Number of Pages in This Submission: **54**

ENCLOSURES ***(check all that apply)***

☒ Fee Transmittal Form	☐ Assignment Papers *(for an Application)*	☐ After Allowance Communication to Group
☐ Fee Attached	☐ Drawing(s)	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment / Response	☐ Licensing-related Papers	☒ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
☐ After Final	☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition	☐ Proprietary Information
☐ Affidavits/declaration(s)	☐ To Convert a Provisional Application	☐ Status Letter
☐ Extension of Time Request	☐ Power of Attorney, Revocation Change of Correspondence Address	☐ Additional Enclosure(s) *(please identify below):*
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	DITTHAVONG & CARLSON, P.C. Phouphanomketh Ditthavong, Reg. No. 44658
Signature	
Date	September 2, 2004

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☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 330.00

Complete if Known	
Application Number	09/875,083
Filing Date	June 6, 2001
First Named Inventor	Marchand, et al.
Examiner Name	Deane Jr, W.
Customer No.	25537
Art Unit	2642
Attorney Docket No.	09710-1169

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

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Deposit Account Number: 13-2491

Deposit Account Name: MCI, Inc.

The Commissioner is authorized to: *(check all that apply)*

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20**=		X		=	
Independent Claims		- 3**=		X		=	
Multiple Dependent						=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet	
1053	130	1053		Non-English specification	
1812	2,520	1812		For filing a request for *ex parte* reexamination	
1804	920*	1804		Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805		Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	330.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451		Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460		Petitions to the Commissioner	
1807	50	1807		Processing fee under 37 CFR 1.17(q)	
1806	180	1806		Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

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SUBMITTED BY				Complete *(if applicable)*	
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Signature				Date	September 2, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Dean C. MARCHAND et al.	
Application No.: 09/875,083	Group Art Unit: 2642
Filed: June 6, 2001	Examiner: Deane W.
Attorney Docket: 09710-1169 Customer No.: 25537 Client Docket: COS 99 012	

For: SERVICE MANAGEMENT SYSTEM BLOCKING

APPEAL BRIEF

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted, in triplicate, in support of the Notice of Appeal dated July 2, 2004.

I. REAL PARTY IN INTEREST

MCI, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF THE CLAIMS

Claims 1-5, 7-14 and 17-18 are pending in this appeal, in which claims 6, 15, 16 and 19-25 have earlier been canceled, and the appeal of claims 6, 15, 16 and 19-25 is hereby withdrawn. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-5, 7-14, and 17-18 on April 6, 2004.

IV. STATUS OF AMENDMENTS

The amendment to claim 10 filed June 7, 2004 has been entered.

V. SUMMARY OF THE INVENTION

The present invention addresses problems associated with blocking fraudulent special service calls from particular originating numbers in a telecommunications system. The disclosed and claimed invention is directed to an approach in which the Automatic Number Identifiers (ANIs) of originating numbers within Local Exchange Carriers (LECs) are blocked from calling certain special service call numbers by including the ANI in the special service call number record in the long distance carrier's Service Management System (SMS) database. ANIs to be blocked are selected by a fraud control analyst based on certain network traffic flow thresholds. When the switching elements in the long distance carrier retrieve an SMS record for a particular special service call, it is determined whether the origin of the call corresponds to an ANI in the SMS record. If it does, the call is blocked. (Specification, page 7, lines 11-20)

Appellants note, on Specification, pages 4-5, that Customer Premise Equipment (CPE)-related fraud occurs when a third party gains illegal access to a customer's PBX (Private Branch eXchange) and steals the dial tone to make outgoing calls. "800" numbers are the preferred method of entrance into those PBXs, because even the call hacking into the system is free. The

outgoing calls are charged to the CPE owner regardless of the origination of the call. An example of CPE-related "800" number fraud is shown in FIG. 2. The routing of the call from the hacker 200 through the two LECs is the same. The call is routed through Inter-Exchange Carrier (IXC) switches 31, 32, 33, and 34 before reaching LEC 60, where it hops from LEC switch 64 to LEC switch 62 and lands at the PBX of the hacker's targeted victim. When the "800" number call reaches the PBX 250 of the corporate customer, the hacker 200 dials in the extension of someone the hacker 200 knows isn't there. Because the call goes unanswered, it is forwarded to the voice messaging system (VMS) 252. At this point, the hacker requests a call transfer, by, for example, pressing the "*" and "T" buttons on his phone. In some PBX systems, this activates a call transfer feature which prompts the hacker 200 to enter an extension number followed by the beginning digits of the phone number the hacker wishes to reach, and lastly, the pound sign. The PBX 205, in response to the starting trunk access code digit, selects an outgoing trunk line and dials the first digits. Once the hacker is connected to the trunk line, he dials in the remaining digits. In FIG. 2, the completed telephone number is of a telephone 299 in China. Thus, the call is routed out of the PBX, back through the LEC 60, through IXC switches 34 and 36, and terminates at the telephone 299 in China. As far as the telephone system is concerned, that call is being placed from PBX 250, and not the hacker 200. So the billing records will indicate that the owner of PBX 250 made an expensive long distance call to China, and not the hacker 200.

The Specification, on page 6, further describes that either an LEC or an IXC may discover fraudulent behavior and determine that an ANI should be blocked from calling a special service number. When the determination is made, the information is forwarded to the Bellcore SMS 100. However, it takes a certain period of time for the information to be registered at the Bellcore SMS 100. And, even after being registered at the Bellcore SMS 100, it may take additional time for

the information to filter down to the LEC 20, particularly if the LEC 20 maintains its own SMS database. The time difference between discovering fraudulent behavior and registering a blocked ANI can allow a hacker to successfully continue her/his activities.

FIG. 1 is a schematic representation of the routing of a special service long distance telephone call using an "800" number. The call originates with the telephone 10 of a user and is routed through the LEC 20. LEC refers to local telephone companies, such as the Regional Bell Operating Companies (RBOCs). The LECs provide local transmission services for their customers. Long distance transmission of telephone calls is provided by an IXC 30, such as MCI-Worldcom. The IXCs interface with the LECs at Points-of-Presence (POPs) within the LECs. A POP is the physical location within the LEC wherein the IXC provides access to its long distance network. After switching through LEC switches 22 and 24, and it is determined that the call is an "800" number. At this point, the serving LEC 20 must access a centralized Service Management System (SMS) database 100 to obtain routing information for the call. In FIG. 1, the centralized SMS is the Bellcore SMS 100 because the Bellcore SMS 100 serves as a centralized SMS for LECs. During this access, the LEC 20 may keep its own SMS records that are periodically downloaded from the Bellcore SMS 100. (Specification, page 2, lines 11-30)

Calls that require ISN platform 90 are routed to a Bridge Switch 35 within the IXC network 30. The ISN platform 90 performs the additional call processing that is required. For example, a calling card call would be routed to the ISN 90 so that the account number and Personal Identification Number (PIN) could be entered and compared with the database records. As shown in FIG. 1, the ISN 90 is connected to the switching and routing control 40 elements, in order to retrieve routing data, as well as the SMS 50, in order to retrieve network and billing information. An "800" calling card call may first be routed through the Bridge Switch 35 to the

Automatic Call Distributor (ACD) 91, where calls being serviced by the ISN 90 are parked. There, the call is authorized and validated, and information is collected in order to correctly route and bill the call. Then the call is released back to the IXC network 30. (Specification, page 7, lines 11-20)

The claimed invention advantageously provides timely and efficient blocking of fraudulent special services (e.g., "800" calls) from particular originating ANIs, without waiting for blocked originating ANI/ "800" number combinations to be reported to the LEC.

VI. ISSUES

Whether claims 1-5, 7-8, 10-11, 14, 17-18, and 21-25 are obvious under 35 U.S.C. § 103 based on *Rangachar* (US 5,495,521).

Whether claim 9 is obvious under 35 U.S.C. § 103 based on *Rangachar* in view of *McConnell* (US 5,436,957).

VII. GROUPING OF CLAIMS

The claims should not be regarded as all standing together since the claims recite respective limitations that render each of the claims separately patentable. For the purposes of this appeal, the following groups are recognized:

A. Claims 1-5, 7, 8-11, 14, 17 and 18: claim 1 is representative;

B. Claims 9 and 12: claim 9 is representative; and

C. Claim 13.

VIII. ARGUMENT

A. THE EXAMINER'S LEGAL BURDEN

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 41 USPQ2d 1451 (Fed .Cir. 1997); *In re Deuel*, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 148 USPQ 721 (CCPA 1966); *In re Freed*, 165 USPQ 570 (CCPA 1970). The Examiner is required to show that all the claim limitations are taught or suggested by the references. *In re Royka*, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 165 USPQ 494 (CCPA 1970).

Obviousness rejections require some evidence in the prior art of a teaching, motivation, or suggestion to combine and modify the prior art references. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

The Patent Office must give specific reasons why one of ordinary skill in the art would have been motivated to combine the references. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

The Administrative Procedures Act (APA) mandates the Patent Office to make the necessary findings and provide an administrative record showing the evidence on which the

findings are based, accompanied by the reasoning in reaching its conclusions. See *In re Zurko*, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001); *In re Gartside*, 203 F.3d 1305, 1314, 53 USPQ2d 1769, 1774 (Fed. Cir. 2000). In particular, the Patent Office must articulate and place on the record the "common knowledge" used to negate patentability. *In re Zurko*, *id.*; *In re Sang Su Lee*, No. 00-1158 (Fed. Cir., Jan. 18, 2002).

Further, it is well settled that the problem addressed and solved by a claimed invention must be given consideration in resolving the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. *North American Vaccine, Inc. v. American Cyanamid Co.*, 7 F.3d 1571, 28 USPQ 1333 (Fed. Cir. 1993); *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990); *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ 1321 (Fed. Cir. 1990); *Jones v. Hardy*, 727 F.2d 1524, 220 USPQ 1021 (Fed. Cir. 1984). Appellants respectfully submit that the Examiner fails to appreciate the problems that are solved by the claimed invention. As described in Section V, Appellants' approach addresses the problem of fraudulent calls made across the LEC and the IXC.

B. CLAIMS 1-5, 7-11, 13, 14, 17-18, AND 21-25 ARE NOT OBVIOUS IN VIEW OF *RANGACHAR*, BECAUSE *RANGACHAR* FAILS TO DISCLOSE "STORING AN ORIGINATING PHONE NUMBER ASSOCIATED WITH THE CALL IN A DATABASE WITHIN AN INTER-EXCHANGE CARRIER NETWORK IF THE CALL IS SUSPICIOUS" AND "PROVIDING THE SUSPICIOUS ORIGINATING PHONE NUMBER TO ANOTHER DATABASE ACCESSIBLE BY THE LOCAL EXCHANGE CARRIER NETWORK."

Claims 1-5, 7, 8-11, 13, 14, 17 and 18 recite:

> "storing an originating phone number associated with the call in **a database within an inter-exchange carrier network** if the call is suspicious ...
> **providing the suspicious originating phone number to another database accessible by the local exchange carrier network.**"

To meet the above claimed features, despite the acknowledgement that *Rangachar* fails to teach an "IXC" (Final Office Action, page 2) the Examiner appears to suggest that the TSN of *Rangachar* can be both the LEC and the IXC, as recited in the claims. However, within the claims, these two separate elements interact to solve the problem noted Section V. Therefore, the TSN cannot simultaneously be considered a LEC and an IXC. The interrelationship is made clearer by the recitation of two databases, whereby "storing an originating phone number associated with the call in **a database within an inter-exchange carrier network** if the call is suspicious" and "providing the suspicious originating phone number to **another database accessible by the local exchange carrier network**." Appellants respectfully assert that *Rangachar* fails to teach or suggest the use of two databases accessed by two different carriers, an IXC and a LEC, particularly in the manner claimed.

In fact, the database (i.e., CS1) that the Examiner refers to as one of the claimed database is not a database as one of ordinary skill would understand a database to be. In the *Rangachar* system, a control system CS1 accesses data from the call detail recording platforms (CSRPs) RP1 and RP2 as part of a detection of fraud events. (Col. 2:62-64) The control system CS1 also exchanges data with a fraud intelligence unit F11. (Col. 3:32-33) The fraud intelligence unit F11 stores ANI's from detected fraud events, as well as originating and terminating numbers from detected fraud events. (Col. 3:52-54) The CS1 "accesses the data from the CSRPs and the F11 and matches the accessed data with a set of rules which the control system stores." (Col. 4:6-9) Therefore, the CS1 simply contains rules which define the existence of various levels of fraud events, and cannot constitute a database.

Furthermore, assuming, *arguendo*, that the Examiner can properly equate the CS1 of *Rangachar* to satisfy one of the claimed databases, it is not understood how the claimed "another database" can be met.

The Examiner makes no attempt to address the above arguments, as the Advisory Action of June 30, 2004 offers no explanation for the rejection.

Further, independent claim 1 was previously indicated as being allowable, but was withdrawn (Final Office Action, page 5), in which the Examiner states "after discussing the issue with the SPE, we feel that Rangachar is a good reference. Basically, we feel that the the [sic] last line of claim one is to [sic] broad by reciting '...another database accessible by the local exchange.' The accessing of a database by an [sic] LEC is old in the art and would be obvious to one of ordinary skill in the art." With this line of reasoning, the Examiner takes the claim language in strict isolation and thus places such language out of context with the rest of the claim. The Examiner is reminded that all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Moreover, the Examiner's rationale stems not from any art of record, but from the Examiner's "feelings." Such feelings can hardly be considered substantial evidence, as mandated by the Administrative Procedure Act.

Claim 13 recites:

> "an Intelligent Services Network (ISN) platform for accessing the database; and
> an Automatic Call Distributor (ACD), under control of the ISN platform, for further processing the special service call."

With respect to these claimed features, the Examiner contends "the use of ACDs are well known in the art and it would have been obvious to one of ordinary skill in the art to use an ACD

wherever it was deemed necessary." The Examiner conveniently ignores the ISN platform feature, particularly in relation to the ACD: "an Automatic Call Distributor (ACD), under control of the ISN platform, for further processing the special service call." Such selective reading of the claims is contrary to settled law.

Further, such an incomplete and uninformative rejection leaves Appellants only to guess at the Examiner's reasoning. 35 U.S.C. § 132 requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond."

Accordingly, the rejection of claims 1-5, 7, 8-11, 13, 14, 17 and 18 in view of *Rangachar* is improper and should be reversed by the Honorable Board.

C. CLAIM 9 IS NOT OBVIOUS IN VIEW OF *RANGACHAR* AND *McCONNELL*, BECAUSE THE COMBINATION FAILS TO DISCLOSE "STORING AN ORIGINATING PHONE NUMBER ASSOCIATED WITH THE CALL IN A DATABASE WITHIN AN INTER-EXCHANGE CARRIER NETWORK IF THE CALL IS SUSPICIOUS" AND "PROVIDING THE SUSPICIOUS ORIGINATING PHONE NUMBER TO ANOTHER DATABASE ACCESSIBLE BY THE LOCAL EXCHANGE CARRIER NETWORK."

Claim 9 depends from independent claim 1. Based in part from this dependency, claim 9 should be allowable for the reasons put forth in Section VIII (B). The additional reference of *McConnell* fails to fill in the gaps of *Rangachar*. The Examiner applies *McConnell* for a supposed teaching of SS7.

McConnell discloses, per col. 3: 47-62, a need for offering subscribers greater control over activation of services and related restrictions to services, so that subscribers can in turn offer those services to their own customer's on a carefully restricted basis. The subscriber should be able to turn on the service for a group of the subscriber's lines at will, without intervention by telephone company personnel. The subscriber should also have the ability to easily establish authorization codes for use in accessing such services, so that the subscriber can give the codes only to those customer's to whom it wishes to offer access to the communications services. The subscriber should also be able to control routing of calls through the network to minimize costs and/or optimize use of the subscriber's own private facilities.

Accordingly, *McConnell* (per the Abstract) is directed to a system whereby a subscriber inputs data into a centralized database of the public switched telephone network to control communication services which the network provides via a number of telephone lines assigned to the subscriber. The subscriber offers the communication service over the lines to selected ones of the subscriber's own customers. The input data may relate to a variety of different parameters for use in controlling the service.

In support of his rejection, the Examiner simply concludes "it would have been obvious to one of ordinary skill in the art to have provided the Rangachar device and method with SS7 as taught by McConnell as such would only entail the replacing of one well known out of band signaling for another." (Final Office Action, page 4) This conclusory statement is flawed. First, none of the references supports this contention. *McConnell* makes no mention of a desire to substitute one out-of-band system with SS7. The Examiner's assertion is insufficient as a matter of law, because such conclusory statements, premised on "common knowledge and common sense," fail to fulfill requirements of the Administrative Procedure Act, *In Re Sang Su Lee, id.*, and that deficiencies of the cited references cannot be remedied by general conclusions about what is "basic knowledge" or "common sense." *In Re Zurko, id.*

Second, even if this statement were grounded in fact, there is simply no technical reason to substitute one system for another system (with presumably equivalent functionalities). This is the epitome of hindsight. As stated by the CAFC, *In re Sponnoble* (CCPA, 1969), 160 USPQ 237:

> "The court must be ever alert not to read obviousness into an invention on the basis of the applicant's own statements; that is, we must view the prior art without reading into that art appellant's teachings. ... The issue then is whether the teachings of the prior art would, in and of themselves and without the benefits of appellant's disclosure, make the invention as a whole, obvious.... It should not be necessary for this court to point out that a patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the 'subject matter as a whole' which should always be considered in determining the obviousness of an invention under 35 USC 103 ...."

In reconstructing Appellants' claims, the Examiner has ignored the admonitions of the *In re Sponnoble* court.

Moreover, *McConnell* fails to describe any manner of fraud prevention, and thus, is not analogous art. When a modification to a basic reference involves a change in configuration, both the basic and secondary references must be from analogous arts. *In re Glavas*, 230 F.2d 447, 109 USPQ 50 (CCPA 1956). One of ordinary skill in the art would not consult *McConnell* to address the problem of fraudulent calls.

Accordingly, the rejection of claim 9 in view of *Rangachar* and *McConnell* is improper and should be reversed by the Honorable Board.

IX. CONCLUSION AND PRAYER FOR RELIEF

The applied references fail to teach the various claim features, thereby rendering the rejections under 35 U.S.C. § 103 unsustainable. The Examiner has unreasonably construed the claimed invention, completely inconsistent with the supporting Specification, or the art of record.

Appellants, therefore, request the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491, and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

9/2/04
Date

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APPENDIX

1. (Previously Presented) A method for preventing fraud associated with a special service call, the method comprising the steps of:

storing an originating phone number associated with the call in a database within an inter-exchange carrier network if the call is suspicious, the call originating from a local exchange carrier network and terminating at a special service call number;

determining whether a subsequent call to the special service call number corresponds to the stored originating phone number;

blocking the subsequent call to the terminating special service call number if the subsequent call corresponds to the stored originating phone number; and

providing the suspicious originating phone number to another database accessible by the local exchange carrier network.

2. (Previously Presented) The method as recited in claim 1, wherein the database is a Service Management System (SMS) database.

3. (Previously Presented) The method as recited in claim 1, wherein the originating phone number is an Automatic Number Identification (ANI).

4. (Previously Presented) The method as recited in claim 1, wherein the terminating special service call number is an "800" number.

5. (Previously Presented) The method as recited in claim 1, further comprising the steps of:

designating a threshold for suspicious call activity;

monitoring calls on the inter-exchange carrier network; and

determining that the call is suspicious if the threshold is exceeded.

6. (Canceled)

7. (Previously Presented) The method as recited in claim 1, further comprising the step of:

routing the call to a bridge switch within the inter-exchange carrier network, the bridge switch being under the control of a call processing platform that is configured to block the call.

8. (Previously Presented) The method as recited in claim 1, further comprising the step of:

routing the special service call through the inter-exchange carrier network at an automated switch under control of an automatic switching and routing control system.

9. (Original) The method as recited in claim 8, wherein the automatic switching and routing control system is Signaling System 7 (SS7).

10. (Previously Presented) A fraud prevention system for blocking special service calls within an inter-exchange carrier network, comprising:

a database for maintaining a record associated with a special service call number ;

means for entering an originating phone number into the record, wherein the originating phone number is identified as suspicious;

means for blocking a special service call originating from a local exchange carrier network placed to the special service call number if the call is associated with the originating phone number ; and

means for providing the suspicious originating phone number to another database accessible by the local exchange carrier network.

11. (Previously Presented) The system as recited in claim 10, wherein the means for blocking further comprises:

means for extracting the originating phone number in the record from the database and for sending the originating phone number to a switch within the inter-exchange carrier network to block the call.

12. (Previously Presented) The system as recited in claim 11, wherein the database is a Service Management System (SMS) database, the means for extracting includes a Service Control Point (SCP), and a Service Switching and Control Point (SSCP), wherein the SCP and the SSCP communicate according to a Signalling System 7 (SS7) protocol.

13. (Previously Presented) The system as recited in claim 10, wherein the inter-exchange carrier network comprises:

an Intelligent Services Network (ISN) platform for accessing the database; and

an Automatic Call Distributor (ACD), under control of the ISN platform, for further processing the special service call.

14. (Previously Presented) The system as recited in claim 10, wherein the means for entering originating phone number includes a fraud control console configured to receive alerts that are generated when traffic in the inter-exchange carrier network exceeds at least one threshold.

15. (Canceled)

16. (Canceled)

17. (Previously Presented) The system as recited in claim 10, wherein the special service call number is an "800" number.

18. (Previously Presented) The system as recited in claim 10, wherein the originating number identification is an Automatic Number Identification (ANI).

19 - 25. (Canceled)